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* The hon. the PRESIDENT :—“It will be proper to make a motion proposing the inclusion of his name on Monday after he has taken the oath.”

Sir R. Venkataratnam Nayudu's name was accordingly removed from the list. Messrs. Moidoo Sahib and Uppi Sahib pointed out that no Muhammadans had been included in the Select Committee and the hon. the Minister afterwards added Messrs. Abdul Wahab Sahib and Abdul Hye Sahib as members.

With the omission of the name of Sir R. Venkataratnam Nayudu and the inclusion of the two Muhammadan members mentioned above the motion was carried.

The hon. the President announced that he appointed the hon. Rao Bahadur Sir A. P. Patro as Chairman of the Committee.

V

RESOLUTION UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. the PRESIDENT :—“We have now to take up the business which was passed over in favour of the Andhra University Bill and the first of such items of business is the resolution to be moved by the hon. the Minister for Local Self-Government.”

* The hon. the RAJA OF PANAGAL :—“I beg to move that the following draft of the rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering rule 1 of Schedule II of that Act be approved :—

‘In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rule altering rule 1 of Schedule II of the said Act :—

‘In rule 1 of Schedule II between the words “an office” and the words “and shall meet” the words “in such place as may be fixed by the Local Government” shall be inserted.

“Sir, in the case of a taluk or district board divided into two or more boards the question arises as to where the newly constituted boards should have the headquarters. The presidents of the newly constituted boards sometimes choose places which are more convenient to themselves than to the public. There have been protests against such choice. It is the duty of the Government to see that places which are not out of the way and which are more important are selected as headquarters of the newly constituted boards.

“This question has been pointedly raised in the case of the Tuticorin Taluk Board, and the Act as it stands, is silent as to the authority which is to fix the headquarters of the taluk board. Hence the necessity for this amendment. Of course when the headquarters are to be fixed the taluk boards and the district boards concerned will be consulted.”

The hon. Rao Bahadur Sir A. P. Patro :—“I second the motion.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“Sir, I am afraid that the resolution is not necessary nor is it expedient at this stage. I do not know if this question has been considered by the Local and Municipal Advisory

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Committee before it is placed before this Council, and I am sure that the opinions of the local boards were not invited at least so far as the desirability of this change is concerned. I may point out that according to the scheme of the present Act a local board has got the power to fix the place where its office is to be located. It is not a case in regard to which the Act is silent, but it is a case where the local board can fix the place where it likes to locate its office. The only point made by the hon. the Minister for Local Self-Government is that sometimes the president fixed the place according to his convenience and therefore it was desirable that there should be some authority to fix the place of office. I would probably have agreed with him if the discretion had been left with the president of the local board. But so long as this question is left to the collective local board consisting of a majority of elected representatives of the people, it is quite undesirable to take away the power from the local body and vest it in the Local Government. I would therefore request the hon. the Minister not to push through this amendment until he has got at least the opinion of the Local and Municipal Advisory Committee or the opinions of the local boards concerned. It is well known that the policy of the new Act and the policy of the Government has been to allow freedom of action to the collective local bodies; and this is a matter in regard to which, if the local boards commit mistakes, they should take the full consequence of such mistakes. They can use their discretion in this matter, and is it a matter in which the Government is to interfere and say that the local boards have not exercised their discretion properly? The hon. the Minister has stated that this amendment was necessitated by the division of a taluk board into two. But if passed it will apply to every possible case and from this time forwards it will be the duty of each local board to obtain the orders of the Government whenever they want to change the location of their office. If it is confined to a case where an existing local board is divided into two, it is easy to understand the necessity for the amendment. But if the power which has hitherto been in the hands of the local boards is to be taken away and given to the Local Government, the case would be different. I therefore think that in the interests of the local bodies this amendment should not be accepted. I am quite aware that there are cases in which we may have reason to find fault with the change of headquarters of local boards, and mistakes may take place. But are the Members of the Government themselves in a position to say that no mistakes are committed by the Government? If in any individual case mistakes are committed, is it right that we should take away the power from all boards? I think the amendment is objectionable in principle. Whatever our view may be in regard to individual cases, this is certainly not a matter in which the Government should take the power away from the local boards. It is for these reasons that I object to the resolution and, before I sit down, I would suggest to the hon. the Minister for Local Self-Government that he should consult the Local and Municipal Advisory Committee, and also that he should take the opinions of the local boards."

Mr. B. VENKATARATNAM, speaking in Telugu, said "that there was an impression that the existing Local Boards Act was passed in a hurry before the Reformed Legislatures came into being, and that after the advent of the elected Ministry more freedom would be allowed to local boards. If in such a trifling matter such as the change of office of a local board the Government proposed to interfere with the discretion of a board as was sought

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to be done in the motion, the people would be afraid as to what other powers of the boards might be taken away in the forthcoming Bill to amend the Local Boards Act. He urged that it was not just on the part of Government to take away the existing powers of the boards."

Mr. P. ANJANEYULU :—" Mr. President, I would very respectfully submit that this is merely a matter of detail which should in all fairness be left to the discretion of the local boards. This rule would not only interfere with the autonomy of the local boards but may ultimately be the cause of some heart-burning on the part of the local boards themselves. After all, it is not the place where the office is located that matters but how the office works. So, if we are anxious to see that the autonomy of the local boards and municipalities is promoted, this will be a step which is not in favour of it. Therefore I would very respectfully urge on the consideration of the hon. the Minister that he should see that this motion is not pressed."

* Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, I desire to say a very few words on this subject. This seems to me to be so elementary that I am only surprised that there should be any opposition to this question. I should have thought that when the Government said that there ought to be a district board, they would also specify where its headquarters should be. So also, when the Government say that there ought to be a taluk board for a taluk they are to say where its office should be located. Now, we have had elected presidents of taluk boards, and we have had elected presidents of district boards and chairmen of municipalities and so on. But it seems to me that there is one thing which should not be in the discretion of the varying majority of any council, namely, the place where the office of that particular body is to be located. It has nothing to do with the convenience of one individual or another. This is not one of those cases where the wishes of the people should be consulted. An office should be something which is not mutable, and should not be changed according to circumstances and according to the personnel of every taluk board or district board. I do not for a moment suggest that there are numerous cases where vacillating members of taluk boards and district boards have suggested changes of office headquarters, nor do I suggest that it is an evil of such vast magnitude that there is justification for the charge that such vacillations are taking place very frequently. But I do know that there are instances where taluk boards have without adequate justification changed the headquarters of their offices. And I think that very often the members of the taluk boards themselves find that they are in a very invidious position. They elect a gentleman as their president. Of course the gentleman is elected by a majority and they find that that gentleman's convenience cannot be met unless the office is shifted to a particular place. And therefore the majority in the taluk board is put between Scylla and Charybdis. If they do not give him the place he requires, he would not be in a position to transact the business to be discharged by him, and having elected him as their president and bound themselves to support him by a majority, they go to the natural and logical consequence of shifting the office to the place desired by him. I do not want the members of the taluk boards to be in that invidious position. It should be understood and recognized by every one who aspires to the presidentship of local boards that the office is at a place which cannot be changed according to the varying moods of the members of these boards. Then, the candidates put forward for presidentships will also recognize the convenience and

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inconvenience attached to that position, particularly with regard to the office where they have to attend and transact business. And therefore I think, Sir, that this question does not enter into the democratic principles as suggested by my hon. Friend from Godavari. My hon. Friend has certainly more democratic views than I claim to possess, but in this particular instance he is not doing justice to himself. There is no question of popular vote or wishes of the majority of people. We understand that every office is in a fixed place unless the office is that of a roving commission or is a rotary office. We generally understand that every taluk board should have a definite office and I do not see why this should be changed according to the convenience of a particular individual. Therefore I think it is only fair that a fixed place should be allotted as the headquarters of the office for a taluk board or a district board and it should not be left merely to the changing moods of the majority in those boards. I think that very few words are required from me to justify the position that once an office has been installed or instituted at a particular place, change of that place should be made with great deliberation and circumspection. I believe that that deliberation and circumspection will be forthcoming if the taluk board is cognizant of the fact that a mere resolution will not enable it to achieve its object. If on every occasion on which a taluk decides to change its headquarters, it knows that it will have to justify before another authority the necessity for the change, I venture to think that the taluk board will think twice before it changes it. Otherwise, as I said, this difficulty will come in; if I have been a member who has been responsible for electing the president I should also feel bound to support him to the logical extent of changing the office to suit his convenience. On all these grounds, I venture to think that the rule proposed by the hon. the Minister does not offend against any canon of democracy that I am aware of and is really in the interests of the democratic constitution and working of the local boards."

Mr. P. C. VENKATAPATI RAJU:—"Mr. President, Sir, with regard to the rule proposed by the hon. the Minister for Local Self-Government, the necessity shown by him for the change suggested therein is with regard to the new taluk boards that come into existence. As a matter of fact when a taluk board or a district board is constituted, generally the taluk board or district board is named after a particular place, and it has invariably been the practice or custom that the headquarters are taken to be that place after which the board is named, except in cases where separate headquarters are mentioned. All the taluk boards and district boards in the Presidency are at the places for which they are constituted and so the difficulty anticipated by the hon. the Minister did not arise with reference to old taluk boards or district boards. Of course there is that possibility contemplated under the Act of the board changing its headquarters for which it has got the power. This rule is introduced not in the Act but in the rules and is to the effect that every local board shall provide for the transaction of business at such place as may be selected by the Government. It will operate as a great hindrance to work, and unless we consult the convenience and wishes of the taluk boards we should not change their headquarters. Generally, meetings of the taluk boards are not held at headquarters; they are always held at places selected by the president. Whatever that may be, the rule-making power vested by statute in the board in the matter of changing its headquarters should not be taken away. As my hon. Friend Mr. Ramaswami

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Mudaliyar said, when an elected president contests for the seat he must be given to understand that the office is at a particular place. And it is never anticipated or expected that they will remove the office to another place, and there have not been many changes. As a matter of fact, such cases have not occurred during the long course of years in which this Act has been in force. Therefore, I see no necessity for the change and whenever a gentleman is elected as president, he generally holds his office in the place where it is already located."

* Mr. A. RAMASWAMI MUDALIYAR :—" I would like to say that there is a definite case."

Mr. P. C. VENKATAPATI RAJU :—" There are many ways of correcting those irregular practices. When the president acts up to his own wishes, then at least there is the power which will safeguard the interests of the board when the Government is far away. And again, you will have to take into account the convenience of the president, the office staff, the facilities for working up the Act, and other things, i.e., facilities as to whether there are post and telegraph offices, whether the place is near a railway station. All these things can be better looked to by the board than by the Government. Especially nowadays, a Minister responsible to the House, going back upon the Act of 1920 which was passed in pre-Reform days and curtailing the powers of the local authorities is not desirable. As was already pointed out by my hon. Friend from Chingleput, of course we will have to take into consideration the fact that they are nominally elected presidents and elected members, but a time will come when these elected presidents will really represent the wishes of the people and we will then have to attach some importance to their convenience and not slight them, simply because there may be some who are not true representatives or who are not properly guarding the interests of the board or of the people."

Rai Bahadur T. M. NARASIMHACHARLU :—" A word of personal explanation, Sir. We have been informed that the elected presidents do not represent the wishes of the people, but I may say from my place here that there is not a single elected president or member who does not represent the wishes of his constituency."

Mr. P. C. VENKATAPATI RAJU :—" I thank my hon. Friend for the information. But I said that the personal conveniences of the elected man will have to be looked after more than the convenience of others. That indeed you cannot deny although persons who are holding these positions will put the interests of the board and of the people before their own convenience. We will have to look to those things and not curtail the powers now enjoyed by the boards."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Sir, the only question for consideration is whether Government should have the power of fixing the headquarters of the taluk boards. The hon. the Minister said the question generally arises when a taluk board is split up. There is nothing in the schedule even as it is, preventing the Government from fixing the headquarters of a taluk board when it is split up. But the question particularly arises with reference to the headquarters of district and taluk boards. Regarding the taluk boards, if I remember aright, in one or two cases, Government said that the taluk boards have no power to shift the

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headquarters. Here, they want to take that power into their own hands. I think it is agreed that in all cases, taluk boards should be located in places where public opinion can express itself. There is no meaning in saying that the headquarters should be established in an out-of-the-way place where public opinion cannot express itself and where the post and telegraph conveniences do not exist. I think the Government may make a certain restriction in the matter of the taluk boards shifting the headquarters without consulting or without informing the Government. There is nothing definite in the Act. To take this power into their hands as against the view of the taluk boards is not, I think, quite desirable. The hon. the Minister has not mentioned to us the number of cases where such power was abused by taluk boards. As a matter of practice, in all cases where taluk boards are split up, Government are fixing their headquarters, and the question never arose whether the Government have or have not got the power to fix the headquarters in the case of new taluk boards. The only question, therefore, that arises is with regard to the existing taluk boards, whether they can shift their headquarters or not without getting the approval of the Government. I want to know in the first place how many instances there are where the taluk boards did shift their headquarters of their own accord. If a taluk board consists of three or four taluks, and if the taluk board considers that the headquarters of one taluk is in an inconvenient place from the standpoint of the taluk board itself and from the point of view of travelling expenses and other things, is it not just and reasonable that they should shift the headquarters to any taluk which is comprised in their taluk board, with due regard to their conveniences such as post and telegraph offices, railway communication, and so on? These are matters which must be left to the taluk boards. If really the Government consider that there are instances where the taluk boards are abusing their powers, let them come forward with some proposal to check them so that the taluk boards may not abuse their powers; but to take away the power already vested in the taluk board and to vest it in the hands of Government is, to my mind, rather a movement which is against the principle of granting greater liberty to the local bodies."

* The hon. the RAJA OF PANAGAL:—"Mr. President, I am afraid the criticism is based on wrong premises, and my Friend from Nellore assumes that the taluk board has at present the power to fix the headquarters. It is nothing of the kind. The Act, as I have stated, is silent as to who should fix the headquarters. What the rule says is that the taluk board shall have an office. It does not mean that the taluk board is entitled to fix the headquarters. In fact, there is no definiteness about it as the law at present stands. That is the reason why Government propose to amend the rule. This question has been particularly raised in the case of the Tuticorin Taluk Board as to whether the Government have the power to fix the headquarters or not."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I might give an instance of a change in the office of a taluk board which might be useful to hon. members. There is a taluk board called Badvel taluk board in our district. At first, the office of the taluk board was at Badvel. Afterwards, a gentleman, a resident of Sidhout, was appointed as president, and the office was shifted to Sidhout. Sidhout is in the southern corner of two taluks. Then, not only had the office clerks to shift and find new places of residence in Sidhout—Sidhout is a very small place and houses cannot be had—but the

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people who had to deal with the taluk boards had to come very long distances from the north. The other executive staff, i.e., the vaccinators, the overseers and others, had also to travel very long distances to Sidhout for the purpose of getting their bills passed or for taking orders from the taluk board president. Now after that president's term was over, another gentleman was elected who belonged to Badvel. The office and the whole establishment had again to be shifted to Badvel, a distance of 20 miles unconnected by any railway. When this was brought to my notice, I said I had no power in that matter. I stated that it should be brought to the notice of the taluk board president, because the president was their trusted representative. But, all the same, this inconvenience was felt not only by the office staff but by all those who had to do anything with the taluk board. I quite agree that a power which is given to the taluk board or district board should not be lightly taken away inasmuch as it is shown that they have not abused those powers."

* The hon. the RAJA OF PANAGAL :—" Sir, may I point out that they have not abused their powers? I stated that power is not vested in either the taluk board or the district board. The Act is silent. It does not say who is to fix the headquarters. Hence, there is no question of the Government taking away any power which is already vested in local bodies."

Rai Bahadur T. M. NARASIMHACHARLU :—" The hon. Minister has only forestalled me. I said: If there is such a power, it should not be lightly taken away. My point was that there is no such power inherent in taluk boards to fix the place of office, and the Act is silent on the matter. I think, Sir, that when on an important matter the Act is silent, it is but right that the Government should step in and do the needful. I therefore think that the rule now framed is not in any way going to take away the powers of the boards, but is only supplying a want by stopping a practice which has been all along detrimental to the staff of the taluk boards."

Mr. P. C. VENKATAPATHI RAJU :—" One point, Sir. The hon. the Minister for Local Self-Government was saying that the local boards had no power to fix their headquarters. May I draw his attention to the rule which says: 'Every board shall provide an office.' It means that they have power to provide for their offices in some place."

The hon. the RAJA OF PANAGAL :—" What the rule says is that every board shall provide an office. It does not mean that it should fix the place of the office."

The motion was put and declared carried.

A poll was demanded and the House divided thus :—

8.45 p.m.

Ayes.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 12. Mr. Abdulla Ghatala Sahib. |
| 2. " the Raja of Panagal. | 13. " S. Arpadaswami Udayar. |
| 3. " Mr. N. E. Marjombanks. | 14. Rao Sahib T. C. Tangavela Pillai. |
| 4. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 15. Mr. T. M. Ross. |
| 5. " Mr. T. E. Moir. | 16. Rao Bahadur M. C. Raja. |
| 6. " Diwan Bahadur T. N. Sivagnanam Pillai. | 17. Mr. H. B. Ari Gowder. |
| 7. " Rao Bahadur Sir A. P. Patro. | 18. " D. Appava Chettiyar. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 19. " P. K. S. A. Arumuga Nadar. |
| 9. " E. W. Legh. | 20. " A. V. Bhanoji Rao. |
| 10. " G. T. Boag. | 21. " A. Ramaswami Mudaliyar. |
| 11. " G. T. H. Bracken. | 22. Diwan Bahadur P. C. Kthiraju's Nayudu. |
| | 23. Mr. J. A. Davis. |
| | 24. " N. Devendrudu. |

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Ayes—cont.

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| 25. Rao Sahib S. Ellappa Chettiyar. | 45. Mr. K. Sitarama Reddi. |
| 26. Rao Bahadur Craz Fernandez. | 46. Rao Sahib R. Srinivasan. |
| 27. Rao Sahib P. V. Gopalan. | 47. Mr. Chavadi K. Subrahmany Pillai. |
| 28. Mr. L. C. Guruswami. | 48. Diwan Bahadur K. Suryanarayanamurti Nayudu. |
| 29. Rao Bahadur K. Krishnaswami Nayudu. | 49. Mr. K. Veerian. |
| 30. Mr. J. Kuppuswami. | 50. Diwan Bahadur W. Vijayaraghava Madaliyar. |
| 31. " R. Madanagopal Nayudu. | 51. Mr. K. Venkatachala Padayachi. |
| 32. " T. Mallesappa. | 52. Rai Bahadur T. M. Narasimhaachari. |
| 33. " P. N. Marthandam Pillai. | 53. Mr. T. M. Narayanaswami Pillai. |
| 34. " B. Munisami Nayudu. | 54. " Abbas Ali Khan. |
| 35. " K. Prabhakaran Tampar. | 55. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 36. " D. Manjappa Hegde. | 56. Mr. Muhammad Ghous Mian Sahib Bahadur. |
| 37. " K. Raghunandra Ballal. | 57. Mr. Qadir Muhi-ud-din Sahib Bahadur. |
| 38. " B. Ramachandra Reddi. | 58. " Moida Sahib Bahadur. |
| 39. " A. Ranganatha Mudaliyar. | 59. " Moola Sait. |
| 40. " B. P. Seshu Reddi. | 60. " T. N. Muhammad Sahib. |
| 41. Diwan Bahadur M. Krishnan Nayar. | |
| 42. Rao Bahadur P. Raman. | |
| 43. Mr. P. Sagarani. | |
| 44. " K. Sarabha Reddi. | |

Noes.

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| 1. Rao Bahadur C. V. S. Narasimha Raja. | 11. Mr. K. Koti Reddi. |
| 2. " A. S. Krishna Rao Pantulu. | 12. " P. Peddi Raja. |
| 3. " T. A. Ramalinga Chettiyar. | 13. " G. Ramaswara Rao. |
| 4. Mr. J. A. Saldanha. | 14. Sriman Sasibhushan Rath Mahasayo. |
| 5. " P. Siva Rao. | 15. Mr. M. B. Seturam Ayyar. |
| 6. " K. Uppu Sahib. | 16. " M. Seetayya. |
| 7. " P. C. Venkatapathi Raju. | 17. " R. Srinivasa Ayyangar. |
| 8. " T. Adinarayana Chettiyar. | 18. " V. C. Vellingiri Gounder. |
| 9. " P. Anjaneyulu. | 19. " C. V. Venkataramana Ayyangar. |
| 10. Sriman Biswanath Das Mahasayo. | 20. " B. Venkataratnam. |

The motion was carried, 60 hon. Members voting for and 20 against.

VI

RESOLUTION REGARDING NOTIFICATION AND RULES UNDER SECTIONS 3 AND 7 OF THE COTTON TRANSPORT ACT, 1923.

* The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"Mr. President, before moving the resolution which stands in my name, I shall make a few observations on the paramount necessity there is for taking the proposed action. As the House is aware, the Cambodia cotton grown in and around Tiruppur, i.e., in the old district of Coimbatore inclusive of the taluk of Karur which now forms part of the Trichinopoly district, has acquired such a widespread reputation for its superior quality as to induce unscrupulous persons to resort to various tricks in order to palm off their inferior short staple cotton as superior long staple cotton. One method is to rail the pressed inferior stuff into the Tiruppur area from an area outside it and to re-rail it from Tiruppur to the port of embarkation as Tiruppur Cambodia. Another method is to mix together the long and short staple varieties of lint and press the same into bundles and rail them from Tiruppur so that the consignees may labour under the impression that they are getting the genuine Tiruppur Cambodia. A third method is to make the mixture of the kapas (unginned cotton) in the ginnery itself. In all these methods the seller has the advantage for the time being in that the buyer at a distance is unable to detect the fraud at once and prevent the completion of the sale. It is only when the pressed bales are unpacked and passed through the spinning process the fraud is detected. The spinner finds that his machine